

SHUKAT ARROW HAFFER WEBER & HERBSMAN, L.L.P.  
ATTORNEYS AT LAW  
111 WEST 57TH STREET  
NEW YORK, NEW YORK 10019

ALLEN H. ARROW\*  
PETER S. SHUKAT  
J. JEFFREY HAFFER  
DOROTHY M. WEBER  
JONAS E. HERBSMAN  
JASON A. FINESTONE  
KYLE D.N. FOGDEN

TELEPHONE (212) 245-4580  
TELECOPIER (212) 956-6471

\*ALSO MEMBER CALIFORNIA BAR

WRITER'S E-MAIL:  
dorothy@musiclaw.com

January 7, 2008

**VIA FACSIMILE (212) 805-6382**

The Honorable Victor Marrero  
United States District Court  
Southern District of New York  
Suite 660, 500 Pearl Street  
New York, New York 10007

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1-8-08

Re: Ron Bobb-Semple v. Universal Records, Damian Marley,  
Stephen Marley, Tuff Gong Records, DMG Music Clearances  
Case No.: 07 CIV 8560

Dear Judge Marrero:

We are the attorneys for the Defendants DMG Clearances, Inc. and Universal Records, a Division of UMG Recordings, Inc. in the above-captioned action<sup>1</sup>. Pursuant to the Court's December 21, 2007 Order, defendants' appeared before the Court on January 4, 2007 at 11:00 a.m. in connection with defendants' pending motion to dismiss and plaintiff's default in connection with that motion. As the Court is aware, plaintiff's counsel failed to appear.

When Mr. Tischler was called by your clerk at approximately 11:45 a.m., he advised her telephonically that he "did not know" that a conference had been scheduled- this despite the fact that the conference had been requested by Mr. Tischler by his letter dated December 20, 2007. This conduct is entirely consistent with counsel's wholesale failure to respond to letters, repeated phone calls, failure to file opposition papers in a timely manner or even request an extension of time in which to oppose defendants' motion.<sup>2</sup>

<sup>1</sup> The other named defendants have not been served.

<sup>2</sup> (The Defendants' Motion papers were filed and served upon the Plaintiff on November 29, 2007 by CM/ECF and FedEx Priority Overnight service to Mr. Tischler's office. A copy of the Certificate of Service is attached.) His opposition papers were due on December 13, 2007, and plaintiff is in default.

SHUKAT ARROW HAFFER WEBER & HERBSMAN, L.L.P.

The Honorable Victor Marrero  
January 7, 2008  
Page 2 of 2

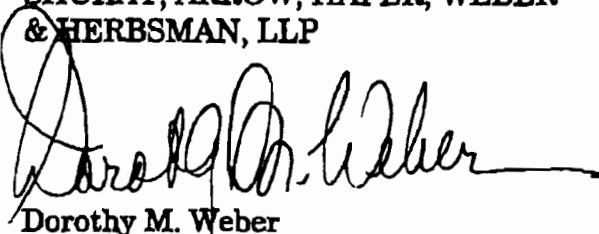
Defendants' had attempted to avoid the expense of a motion to dismiss. By letter of November 26, 2007, we requested that plaintiff withdraw the Complaint because it failed to allege a copyright registration for the work at issue.

If Mr. Tischler has the copyright registration, he should be ordered to produce it immediately and prior to January 11, 2008. Pursuant to Rule 11, Mr. Tischler had a legal mandate to have this information in his possession prior to filing the complaint. As fully briefed in the memorandum of law in support of defendants' motion, if Mr. Tischler does not have a registration, there is absolutely no basis for an opposition and defendants' motion should be granted. We respectfully request that the Court grant the pending motion to dismiss and impose costs and attorneys' fees is requested in the motion.

It is also respectfully requested that the conference, rescheduled for January 11, 2008 at 11:00 a.m. be cancelled in order to avoid an unnecessary expenditure of the Court's time and also to avoid the expenditure of additional legal fees to the defendants.

Respectfully submitted,

SHUKAT, ARROW, HAFFER, WEBER  
& HERBSMAN, LLP



Dorothy M. Weber

DMW: jp  
Enclosure

cc: Perry Ian Tischler, Esq. (via facsimile & e-mail)

Request GRANTED in part. Plaintiff is directed to respond by 1-11-08 to the matter set forth above by defendants. In the event plaintiff fails to appear or to present evidence of copyright registration, the Court may dismiss the Complaint. If plaintiff possesses such documentation, he shall present it at the conference on 1-7-08.	
DATE	VICTOR MARRERO, U.S.D.J.